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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/490,680	01/24/2000	Robert J. Monson	5360	7479
7590	05/04/2006		EXAMINER	
Carl L. Johnson Jacobson and Jacobson Suite 285 One West Water Street St. Paul, MN 55107-2080			WUJCIAK, ALFRED J	
			ART UNIT	PAPER NUMBER
			3632	
DATE MAILED: 05/04/2006				

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	09/490,680	MONSON ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	Alfred J Wujciak III	3632	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 22 September 2005.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 8-17 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 8-14 is/are rejected.
- 7) ☒ Claim(s) 15-17 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 24 January 2000 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

### Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All   b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                             | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____  |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)         | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ | 6) <input type="checkbox"/> Other: _____                                    |

### **DETAILED ACTION**

This is the final Office Action for the serial number 09/490,680, USER COUPLED WORKSPACE SHOCK ISOLATION SYSTEM, filed on 1/24/00.

#### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 8-12 are rejected under 35 U.S.C. 103(a) as being unpatentable over

US Patent # 3,628,829 to Heiling and in view of US Patent # 5,431,569 to Simpkins et al.

Heiling teaches a system comprising a support structure (located where three screws are mounted thereon in figure 23), a unitary platform (located between element 65 and 66) having an operator station (60) thereon and a shock mount (65) located between the support structure and the platform. The system includes a second mounting member (61) for securing the operator station thereto. The system is only supported by the shock mount. The platform includes an upright wall (see figure 22 showing that a foot of user is half inside of the wall of platform).

Heiling teaches the platform but fails to teach the platform having a first mounting member. Simpkins et al. teaches the platform (28) having the first mounting member (33). It

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would have been obvious for one of ordinary skill in the art at the time the invention was made to have added the first mounting member to Heiling's platform to provide accessible for user to control a motion picture or television adjacent to the operator station.

In regards to claim 10, Heiling teaches the platform but fails to teach a foot deck for an operator. Simpkins et al. teaches the platform including a foot deck (144). It would have been obvious for one of ordinary skill in the art at the time the invention was made to have added the foot deck to Heiling's platform as taught by Simpkins et al. to provide convenience for the user to rest foot on the platform.

Claims 13-14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Heiling in view of Simpkin et al. and in further view of US Patent # 6,733,293 to Baker et al.

Heiling in view of Simplins et al. teaches the platform but fails to teach the platform is metal. Baker teaches the platform is metal (108). It would have been obvious for one of ordinary skill in the art at the time the invention was made to have modified platform to metal material to improve the strength of platform for durable.

In regards to claim 14, Heiling, Simpkin et al. and Baker et al. teaches the platform but fails to teach the platform has a surface area of about 20 to 30 square feet. It would have been obvious for one of ordinary skill in the art at the time the invention was made to have modified platform's surface area to 20 to 30 square feet to provide additional room in the platform for user's comfort.

***Allowable Subject Matter***

Claims 15-17 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

In regards to claim 15, the prior art fails to teach the shock mount provides vibration damping. In regard to claim 16, the prior art fails to teach the shock mount simultaneously isolates the operator station and the unitary platform from shock and vibration. In regards to claim 17, the prior art fails to teach the shock mount dampens vibration and shock to minimize the relative motion between the operator station and the operator.

***Response to Arguments***

Applicant's arguments filed 9/22/05 have been fully considered but they are not persuasive.

The applicant argues that neither references (Heilig and Simpkins et al) teach the function of isolation of shocks for a user. The examiner disagrees with the applicant because Heilig's element 65, which is a spring that is in between two platforms, it has the ability of isolating the shock traveling from bottom platform to the upper platform where the user is rested thereon. In the specification of Heilig's invention, (column 6, lines 21-22), states that "the rest of the chair floats on a bed of springs (or optionally, foam rubber). Spring and foam rubber have the ability of absorbing shock from traveling to another location.

***Conclusion***

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Alfred Joseph Wujciak III whose telephone number is (571) 272-6827. The examiner can normally be reached on 8am-4:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert Olszewski can be reached on (571) 272-6815. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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Alfred Joseph Wujciak III

Primary Examiner

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A handwritten signature in black ink, appearing to read 'A. J. Wujciak III', with a stylized flourish at the end.

5/1/06